IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE P.S.NARAYANA

WRIT PETITION NO. 19564 OF 2007

DATED : SEPTEMBER 18, 2007

Between:

M.Ramulu

Petitioner

AND

The Revenue Divisional officer,
Nizamabad and another

Respondents

THE HON'BLE MR. JUSTICE P.S. NARAYANA

WRIT PETITION NO. 19564 OF 2007

ORAL ORDER:

This Court ordered Notice Before Admission on 14.9.2007.

Heard Sri V.Ravi Kiran Rao, learned counsel

representing the petitioner and the learned Government Pleader for Civil Supplies.

The learned counsel representing writ petitioner had taken this court through the contents of the affidavit filed in support of the writ petition and would contend that inasmuch as the impugned order imposes substantial punishment without issuing notice and without giving opportunity, such an order cannot be made and the same is without authority and placed reliance on the decisions *B.Venkateswara Rao Vs. RDO, Bhadrachalam, Khammam District* (1996(3) ALD 885) and *Alivelamma Vs. Revenue Divisional Officer, Dharmavaram, Ananthapur District* (2005(1) ALD 19).

Learned Government Pleader for Civil Supplies, on the other hand, would contend that it is no doubt true that the impugned order is not happily worded, the same to be treated as suspension pending enquiry and let there be a direction to complete the enquiry at an early date.

Heard the learned counsel. The writ petition is filed to issue a writ of certiorari calling for the records relating to the order passed by the fist respondent vide

B3/1154/2007 dated 17.5.2007 suspending petitioner's dealership of Fair Price Shop No. 293 situated at Maggidi village, Armoor Mandal, Nizamabad District, without causing any enquiry, without affording any opportunity even though the 2nd respondent got the complaint filed against the petitioner, enquired by Deputy Tahsildar (Enforcement), Armoor, without giving any valid reason and to quash the same as arbitrary, illegal and violative of principles of natural justice and also contrary to Clause 5(4) of the A.P. State Public Distribution System Control Order, 2001. Several factual details had been narrated in the affidavit filed in support of the petition.

The impugned order reads as follows:

> "..Through the reference cited, the Tahsildar, Armoor has reported that during the Praja Patham Programme at Maggidi (v), on 16.5.2007 some of the DWACRA group ladies and other villagers have raised some allegations against Sri M. Ramulu, F.P. Shop Dealer of Maggidi (v) that he is not opening the shop full time and he is not issuing the commodities with correct weighment and issuing less and collecting excess amount.
>
> He further reported that the F.P. Shop dealer was not present in Praja Patham Programme, immediately the Tahsildar has

conducted panchanama and seized the shop and issued a show cause notice calling explanation for the above lapses.

The Tahsildar, Armoor has enquired into and reported that the dealer used to open the shop only for 3 to 4 days in a month and distributing K.Oil @ Rs.10/- per liter instead of selling price Rs.9.50. The relationship and terms between the DWACRA group ladies and F.P. shop dealer is not well. Thus it is proved that he has contravened the provisions of Control Order, 2001.

In view of the above dealership of Sri M. Ramulu, F.P. Shop dealer of Maggidi (v) is hereby suspended with immediate effect. Sri B.Sanjev, Fair Price Shop Dealer of Chepoor village of Armoor Mandal is kept incharge as proposed by the Tahsildar, Armoor, till further orders.

The Tahsildar, Armoor is requested to take consequential action and report compliance urgently…"

It is now doubt true that the impugned order is not happily worded but, however, the same shall be treated as suspension pending enquiry. Let the first respondent complete enquiry at an early date preferably within a period of six weeks. Till then, the impugned order dated 17.5.2007 is hereby suspended.

The writ petition is accordingly disposed of. No order as to costs.

JUSTICE P.S. NARAYANA

September 18, 2007

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